

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------------|---|-------------------|
| SAMAR AKINS, |) | 4:14CV3034 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | MEMORANDUM |
| |) | AND ORDER |
| ROYEE JEFFRIES, CHRISTIAN |) | |
| YATES, BETTIE TRUMBLE, RITA |) | |
| GRIESS, ARNOLD NESBITT, only |) | |
| minority African American, ERIC |) | |
| DRUMHELLER, JANET |) | |
| PALMTAG, and BARBARA |) | |
| ALBERS, |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on its own motion. On May 27, 2014, the court conducted an initial review (Filing No. [6](#)) of Plaintiff's Complaint. The court determined the Complaint failed to state a claim upon which relief may be granted. Plaintiff filed an Amended Complaint on June 16, 2014. (Filing No. [7](#).)

Plaintiff alleges in his Amended Complaint that he is African American and he has filed more than 20 charges of discrimination with the Nebraska Equal Employment Opportunity Commission ("NEOC"). He alleges Defendants, employees of the NEOC, have issued "no reasonable cause finding[s]" in all of his cases. He further alleges they have done so because all but one of them are white and "the corporations[,] entit[ies], or persons [he has] filed against were white." (Filing No. [7](#) at CM/ECF p. 2.) Plaintiff claims "[i]t is reasonable to believe that all white commissioners ruleing [sic] in favor of all white respondents 10 out of 10 times against a Black complaintant [sic] was a racist discriminative, arbitrary and capricious process." (*Id.*)

As best as the court can tell, Plaintiff is attempting to raise an equal protection claim against Defendants. The Equal Protection Clause of the Fourteenth Amendment provides that no state shall “deny to any person within its jurisdiction the equal protection of the laws.” [U.S. Const. amend. XIV](#), § 1. The clause essentially directs “that all persons similarly situated should be treated alike.” [City of Cleburne v. Cleburne Living Center](#), 473 U.S. 432, 439 (1985). To state an equal protection claim, a plaintiff must establish that he was treated differently from others similarly situated to him. [Johnson v. City of Minneapolis](#), 152 F.3d 859, 862 (8th Cir. 1998).

Here, Plaintiff has not alleged that he was treated differently from others similarly situated to him. Plaintiff’s conclusory allegations of discrimination are not sufficient to state a claim for an equal protection violation against Defendants. Accordingly,

IT IS THEREFORE ORDERED that:

1. For the reasons set forth in this Memorandum and Order and in the court’s Memorandum and Order dated May 27, 2014, this matter is dismissed without prejudice for failure to state a claim upon which relief may be granted.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 30th day of July, 2014.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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